

Town of Cheswold
1856



State of Delaware
1787

Title: 18
Ordinance No: 11-16-20-060

Date: 11-16-2020

ORDINANCE
for the
ADOPTION of the 2018
INTERNATIONAL BUILDING CODE

DESCRIPTION: An Ordinance of the Town of Cheswold adopting the 2018 edition of the *International Building Code*, regulating and governing the conditions and maintenance of all property, buildings and structures; repealing all other Ordinances and parts of Ordinances in conflict therewith, except for those of the State of Delaware and/or Kent County and/or the Land Use Ordinance and Comprehensive Plan of the Town of Cheswold, which all shall have precedence in perpetuity.

Section 1. PURPOSE

This Ordinance and the 2018 edition of the International Building Code provides for the standards for supplied utilities and facilities and other physical things and conditions essential to ensure that structures are safe, sanitary and fit for occupation and use; and the condemnation of buildings and structures unfit for human occupancy and use and the demolition of such structures in the Town of Cheswold; providing for the issuance of permits and collections of fees therefor.

Section 2. AUTHORITY to ACT

The Town Council of the Town of Cheswold has been vested with all the power possible for a municipal corporation to have under the Constitution and laws of the State of Delaware, as specified by Section 4. Powers of the Town of the Town Charter and specifically with the ability to provide for and preserve the health, peace, safety, cleanliness, ornament, good order and public welfare of the Town and its inhabitants.

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Section 3. APPLICABILITY

This Ordinance, No. 11-16-2020-060, shall apply except where it may conflict with the Building Ordinances, codes, statutes, rules and regulations, set forth by the State of Delaware and/or Kent County and/or the Land Use Ordinance and/or Comprehensive Plan of the Town of Cheswold, in which case the Ordinances, codes, statutes, rules and regulations of the State of Delaware and/or Kent County and/or the Land Use Ordinance and/or Comprehensive Plan of the Town of Cheswold shall apply, as applicable to the situation.

Section 4. DEFINITIONS

All applicable definitions may be found in the 2018 edition of the *International Building Code*.

Section 5. The Town Council of the Town of Cheswold does ordain as follows:

That a certain document, a) copy of which is on file in the office of the Code Enforcement Officer of the Town of Cheswold, being marked and designated as the *International Building Code*, 2018 edition, including Appendix Chapters E and I, as published by the International Code Council, be and is hereby adopted as the Building Code of the Town of Cheswold, in the State of Delaware for regulating and governing the conditions and maintenance of all property, buildings and structures; by providing the standards for supplied utilities and facilities and other physical things and conditions essential to ensure that structures are safe, sanitary and fit for occupation and use; and the condemnation of buildings and structures unfit for human occupancy and use and the demolition of such structures as herein provided; providing for the issuance of permits and collection of fees therefor; and each and all of the regulations, provisions, penalties, conditions and terms of said Building Code on file in the office of the Town of Cheswold are hereby referred to, adopted and made a part thereof, as if fully set out in this Ordinance, with the additions, insertions, deletions and changes, if any, prescribed in Section 2 of this Ordinance.

Section 6. ADDITIONS; INSERTIONS; DELETIONS; MODIFICATIONS; CHANGES

The following section is hereby modified to read:

Section 903.2.8 Group R

An automatic sprinkler system installed in accordance with section 903.3 shall be provided throughout all buildings with a Group R fire area, except Group R-3 one and two family, detached and semi-detached buildings, with a separate means of egress.

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Section 6. "continued"

Automatic Sprinkler system. Group R-3 occupancies defined and regulated by the International Residential code as detached one- and two-family dwellings and townhouses not more than three stories above grade plane in height with a separate means of egress per dwelling, are exempt from the requirement to install an automatic fire sprinkler system. Group R-1, R-2, R-3, R-4 dwelling units and sleeping units located within and a part of mixed-use commercial buildings and regulated by the International Building code are not exempted from the Group R sprinkler requirement.

Congregate living facilities, such as boarding houses, lodging houses, care facilities, dormitories, fraternities, sororities, apartment houses of two or more units classified as R-3 and mixed-use occupancy buildings containing any Group R with any other occupancy Use are not exempted from the automatic sprinkler requirement.

Section 7. VALIDITY

That if any section, subsection, sentence, clause or phrase of this Ordinance is, for any reason, held to be unconstitutional, such decision shall not affect the validity of the remaining portions of this Ordinance. The Town Council hereby declares that it would have passed this Ordinance, and each section, clause or phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses and phrases be declared unconstitutional.

Section 8. LEGAL RIGHTS

That nothing in this Ordinance or in the Building Code hereby adopted shall be construed to affect any suit or proceeding impending in any court, or any rights acquired, or liability incurred, or any cause or causes of action acquired or existing, under any act or Ordinance hereby repealed as cited in Section 3 of this Ordinance; nor shall any just or legal right or remedy of any character be lost, impaired or affected by this Ordinance.

Section 9. POSTING

That the Town Clerk and/or Secretary/Treasurer is hereby ordered and directed to cause this Ordinance to be published by posting on the Town bulletin board, Town website and local Post Office, for a period no less than 10 business days.

ADOPTION of THE 2018 INTERNATIONAL BUILDING CODE**Section 10. EFFECTIVE DATE**

That this Ordinance and the rules, regulations, provisions, requirements, orders and matters established and adopted hereby shall take effect and be in full force and effect January 5, 2021, from and after the date of its final passage and adoption.

Ordinance No. 11-16-20-060, entitled, Adoption of the 2018 International Building Code was presented for public comment, at a Public Hearing meeting, held at 6:00 p.m., on Monday, January 4, 2021, during a virtual ZOOM meeting, held in Cheswold, Delaware, 19936.

I, Larence Kirby, Mayor, do hereby certify that the foregoing is a true and correct copy of the Ordinance duly adopted by a majority vote of all properly sworn quorum of members of the Cheswold Town Council, who were present and voting throughout, on Monday, January 4, 2021, at the Cheswold Town Hall, 691 Main Street, Cheswold, Delaware, 19936.

Certified: _____


Mayor Larence Kirby

Date: January 4, 2021

ATTEST: _____


Secretary/Treasurer Theon E. Callender

Date: January 4, 2021

Agreed: _____


Vice-Mayor Santo Faronea

Date: January 4, 2021

Agreed: _____


Councilperson Judith Johnson

Date: January 4, 2021

Agreed: _____


Councilperson Mark Moxley

Date: January 4, 2021

Agreed: _____

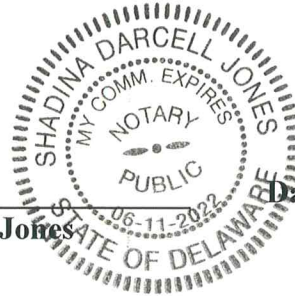

Councilperson Michael Wysong

Date: January 4, 2021

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NOTARIZED:


Town Clerk Shadina Jones



Date: January 4, 2021

Sponsored by: David Naples, MCP
16, 2020

Date: November

Town of Cheswold Building Inspector

REVISION LOG

<u>Revision Date</u>	<u>REVISION REASON</u>